

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOHN LUCKETT,

Plaintiff(s),

v.

NEVADA SUPREME COURT, et al.,

Defendant(s).

Case No. 2:15-CV-169 JCM (NJK)

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Koppe. (Doc. # 3). No objections have been filed, and the deadline for filing objections has passed.

In this case, plaintiff seeks review of certain Nevada state court decisions, on the grounds that they violated the Fourteenth Amendment. (Doc. # 1). Upon consideration of plaintiff's complaint and motion to proceed in forma pauperis, (doc. # 1), Judge Koppe granted plaintiff's motion to proceed in forma pauperis, screened plaintiff's complaint, and recommended that the complaint be dismissed without prejudice to his seeking relief with the proper court. (Doc. # 3).

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United*

1 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
2 employed by the district court when reviewing a report and recommendation to which no
3 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003)
4 (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that district courts are
5 not required to review "any issue that is not the subject of an objection."). Thus, if there is no
6 objection to a magistrate judge's recommendation, then this court may accept the recommendation
7 without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a
8 magistrate judge's recommendation to which no objection was filed).

9 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
10 whether to adopt the recommendation of the magistrate judge. Upon reviewing the
11 recommendation and underlying briefs, this court finds good cause appears to ADOPT the
12 magistrate judge's findings in full.

13 Accordingly,

14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
15 recommendation of Magistrate Judge Leen, (doc. # 2), are ADOPTED in their entirety.

16 IT IS FURTHER ORDERED that plaintiff's complaint be, and the same hereby is,
17 DISMISSED without prejudice to his seeking relief with the proper court.

18 The clerk shall close the case.

19 DATED February 23, 2015.

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22 UNITED STATES DISTRICT JUDGE
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